

VANESSA BUCHKO
BENJAMIN VAUGHN
ADRIENNE WARRELL
Enforcement Attorneys
Consumer Financial Protection Bureau
1700 G Street, NW
Washington, DC 20552
Telephone (Buchko): 202-435-9593
Telephone (Vaughn): 202-435-7964
Telephone (Warrell): 202-435-7013
Fax: 202-435-7722
E-mail: Vanessa.Buchko@cfpb.gov
E-mail: Benjamin.Vaughn@cfpb.gov
E-mail: Adrienne.Warrell@cfpb.gov

ATTORNEYS FOR PLAINTIFF
Consumer Financial Protection Bureau

**UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
GREAT FALLS DIVISION**

Consumer Financial Protection Bureau,

Plaintiff,

v.

Think Finance, LLC, formerly known
as Think Finance, Inc., Think Finance
SPV, LLC, Financial U, LLC, TC Loan
Service, LLC, Tailwind Marketing,
LLC, TC Administrative Services,
LLC, and TC Decision Sciences, LLC,

Defendants.

Case No. 4:17-cv-00127-BMM

**OPPOSITION TO DEFENDANT'S
MOTION TO DISMISS**

The Consumer Financial Protection Bureau (“Bureau”) submits this Opposition to Defendant Think Finance, LLC’s (“Think Finance”) Motion to Dismiss (Dkt. 34).

Think Finance’s motion to dismiss should be denied as moot because the Bureau timely filed an amended complaint on March 28, 2018 (Dkt. 38). *See Ramirez v. County of San Bernardino*, 806 F.3d 1002, 1008 (9th Cir. 2015). “It is well-established in our circuit that an ‘amended complaint supersedes the original, the latter being treated thereafter as non-existent.’” *Id.* (quoting *Forsyth v. Humana, Inc.*, 114 F.3d 1467, 1474 (9th Cir.1997), *overruled on other grounds by Lacey v. Maricopa Cty.*, 693 F.3d 896, 927-28 (9th Cir. 2012)). Because Defendant Think Finance’s motion to dismiss was directed to the Bureau’s original complaint, which is no longer in effect, the motion should be denied as moot. *Id.*

Dated: March 30, 2018

Respectfully submitted,

Kristen A. Donoghue
Enforcement Director

Deborah Morris
Deputy Enforcement Director

Craig Cowie
Assistant Litigation Deputy

/s/ Benjamin Vaughn
Vanessa Buchko
Benjamin Vaughn

Adrienne Warrell
Enforcement Attorneys
Consumer Financial Protection Bureau
1700 G Street, NW
Washington, DC 20552
Telephone (Buchko): 202-435-9593
Telephone (Vaughn): 202-435-7964
Telephone (Warrell): 202-435-7013
Fax: 202-435-7722
E-mail: Vanessa.Buchko@cfpb.gov
E-mail: Benjamin.Vaughn@cfpb.gov
E-mail: Adrienne.Warrell@cfpb.gov
*Attorneys for Consumer Financial
Protection Bureau*

CERTIFICATE OF COMPLIANCE

Pursuant to L.R. 7.1(d)(2)(E), I certify that the foregoing **Opposition to Defendant's Motion to Dismiss**, is double spaced, is proportionately spaced 14 point typeface, and contains 135 words.

/s/ Benjamin Vaughn
Consumer Financial Protection Bureau

CERTIFICATE OF SERVICE

I, Benjamin Vaughn, certify that on March 30, 2018, I served the foregoing document on all counsel of record via the Court's CM/ECF system. The document is available for viewing and downloading from the ECF system.

/s/ Benjamin Vaughn
Consumer Financial Protection Bureau